Attorney's Docket No.: 42390P5943C   Patent   **RECEIVED**
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE   OCT 1 1 2004

In Re Application of: Mohammad A. Abdallah et al.	Examiner: Richard Ellis
Application No. 10/005,728	Art Unit: 2183
Filed: November 26, 2001	**CERTIFICATE OF TRANSMISSION**
For: METHOD AND APPARATUS FOR COMPUTING A PACKED SUM OF ABSOLUTE DIFFERENCES	I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703)_872-9306____ on _10-11-2004_ Date Lawrence Mennemeier

<u>DECLARATION UNDER 37 CFR §1.132</u>

Mail Stop Amendment
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

    Applicant respectfully requests the Examiner to consider the following declaration and

the attached evidence in the above referenced application.

Applicant respectfully declares the following:

The present application is a continuation of application Ser. No. 09/052,904, filed March 31, 1998.

Claims 17 and 26 of the present application set forth, respectively, a decode unit to decode and a processor to execute instructions of the PENTIUM® microprocessor instruction set.

By March 31, 1998, the phrase, "instructions of the PENTIUM microprocessor instruction set," had, and still has, a fixed and definite meaning, and therefore constitutes sufficient identification in accordance with MPEP 608.01(v), par. 6.

Applicant submits as evidence of the above conclusion Exhibit 1, comprising a November 1997 article by Eric Traut from BYTE, which discusses a Macintosh application that employs a "Pentium instruction-set emulator, complete with MMX[™] instructions." The purpose of said Macintosh application was to translate Pentium instruction sequences into a set of optimized PowerPC instructions that perform the same operation.

Therefore, Applicant concludes that by November of 1997, the phrase, "instructions of the PENTIUM microprocessor instruction set," would have apprised one skilled in the art of each of claims 17 and 26's respective scope with a sufficient degree of precision and particularity.

Applicant submits as further evidence of the above conclusion Exhibit 2, comprising a definition of AMD from wordIQ.com. It explains (in the History section, paragraph 7) that at some time about one year after AMD purchased NexGen in 1996, "the K6 [processor] translated the Pentium compatible x86 instruction set to RISC-like micro-instructions."

Applicant again concludes from the second reference that at least by some time around 1997, the phrase, "instructions of the PENTIUM microprocessor instruction set," had a fixed and

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definite meaning, and would have apprised one skilled in the art of each of claims 17 and 26's respective scope.

Applicant submits as further evidence of the above conclusion Exhibit 3, comprising John Savill's FAQ (Frequently Asked Questions) for Windows web page, dated September 3, 1999, which asks, "Do I really need 166Mhz Pentium processors to run SQL Server 7.0?" The answer given states, "No. But you DO need a 100% PENTIUM compatible chip - which rules out some Cyrix and IBM processors." The page further explains (in paragraph 3) that, "speed of the processor doesn't matter as long as it runs the full pentium instruction set."

Therefore, Applicant concludes from the third reference that at least through September 3, 1999, the phrase, "instructions of the PENTIUM microprocessor instruction set," continued to have a fixed and definite meaning, and would have apprised one skilled in the art of each of claims 17 and 26's respective scope.

Applicant submits as further evidence of the above conclusion Exhibit 4, comprising a current product description of a single-board computer from SBS technologies, which includes a "Geode GX1 (200 - 333 MHz) Pentium compatible processor."

Therefore, Applicant concludes from the fourth reference that the phrase, "instructions of the PENTIUM microprocessor instruction set," continues to have a fixed and definite meaning, and would apprise one skilled in the art of each of claims 17 and 26's respective scope.

Applicant submits as further evidence of the above conclusions:

Exhibit 5, from IT Standards Manager, Carol Blackston, at the Department of Energy
(hq.doe.gov) describing the Hardware & System Requirements for Microsoft Windows 2000 and Microsoft Office 2000 including a "133 MHz or higher Pentium-compatible CPU" for Windows 2000 Professional, a 166 MHz Pentium-compatible CPU or higher" for Office 2000 Premium, and a "75 MHz Pentium-compatible CPU or higher" for Office 2000 Professional or Office 2000 Standard;

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Exhibit 6, from Microsoft describing the processor requirements of: a Microsoft Operations

      Manager Server, a Database Server, a Reporting Server, or a SQL Server 2000 Reporting

      Services Server, as a "PC with 550 MHz or higher Pentium-compatible;" an Administrator

      and Operator Console, as a "PC with 500 MHz or higher Pentium-compatible;" and a

      Managed Computer, as a "PC with 200 MHz or higher Pentium-compatible."

Exhibit 7, an article by Taran Rampersad from the Free Software Consortium (FSC) dated March

      26, 2004, describing the basic system requirements of OpenOffice under Windows (98, NT,

      2000, XP) including a "Pentium-compatible PC."

Exhibit 8, an article by Thomas Latuske posted June 8, 2004, describing two ways to retrieve the

      processor-speed and stating (in paragraph 1) that, "If you want to use the function to calculate

      the speed (frequency), you have to use it with a Pentium instruction set compatible

      processor."

At least from the above referenced exhibits, it is evident, and Applicant believes that, the

phrase, "instructions of the PENTIUM microprocessor instruction set," had, and still has, a fixed

and definite meaning, and would apprise one skilled in the art of each of claims 17 and 26's

respective scope.

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I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true.

Respectfully submitted,

Dated: 10-11 , 2004

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Attachments:

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